

IN THE UNITED STATES DISTRICT COURT
for the Middle District of Alabama
Northern Division

RECEIVED

DAVID EUGENE SINGUEFIELD,

*

2006 DEC 21 A 9:31

Plaintiff,

*

LEILA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

vs.,

*

2:06-cv-1062-MEF

JAMES H. HANCOCK, ET AL.,

*

(WS)

Defendants.

*

OBJECTIONS

Comes now, David Eugene Singuefield, prisoner Plaintiff Acting Pro Se, pursuant to the Order and Recommendation of the chief Magistrate Judge of December 5th 2006, plaintiff moves the Court to accept and consider the hereinafter written objections to said Recommendation, to reject and/or modify in whole or in part and/or overrule said Recommendation and as cause for such, plaintiff submits the following, to wit;

OBJECTION #1

In the interests of seeking Justice, which should be the first objective order of the business of the courts, Plaintiff moves the Court for a de novo review of this Plaintiff's "BIVENS ACTION" Complaint and all State and Federal Records identified by Plaintiff as [EVIDENCE] in support of this said

Complaint and to make specific findings of fact that would provide the Court with a legal basis of probable cause under Title 18 U.S.C. § 241 and § 242, that plaintiff has identified and headed (a) non-frivolous, (b) non-malicious, (c) claims upon which relief can be granted, and (d) has not sought money from any defendants who are immune from liability: Insofar as the plaintiff alleges that the defendants are in direct knowledge of a criminal judicial conspiracy "COVER UP" of a suspected Capitol Murder Contract taken out against the accused during his state criminal trial, resulting in jury tampering that violates all of plaintiff's federal constitutional trial rights, and thus, said defendants fails to enforce said federal criminal civil rights statutes and aids and abets state officials in OPPRESSING an ACTUALLY INNOCENT AMERICAN CITIZEN in ARBITRARY¹ state detention in violation of the federal constitution's Bill of Rights made applicable to the states through the "due process of law" clause of the 14th amendment.

Moreover see Estate of Smith vs. Marasco, 318 F.3d 497 (3rd Cir. 2003) 9. Civil Rights § 214 (2); 10. CONSTITUTIONAL LAW § 305 (2) "COVER UPS" that PREVENT A PERSON WHO HAS BEEN WRONGED FROM VINDICATING HIS RIGHTS VIOLATE THE RIGHT OF ACCESS TO THE COURTS PROTECTED BY THE SUBSTANTIVE DUE PROCESS CLAUSE.
U.S.C.A. CONST. AMEND. 14

¹ The "TOUCHSTONE" of due process, is protection of the individual against arbitrary action of the government. Dent vs. West Virginia, 129 U.S. 114 123, 32 L. Ed. 623, 9 S. Ct. 231 (1889).

Thus, the very nature of this Complaint should be construed as sufficient, per se, to warrant suspicion that an On-going Criminal Conspiracy Actually Exists, that invalidates the entire Judicial proceedings against plaintiff as FRIVOLOUS, and MALICIOUS, CRUEL and UNUSUAL, COMMENCED in BAD FAITH and without PROBABLE CAUSE and plaintiff has no other adequate means in any other Court to REDRESS and GROEVE his said State Court Conviction under the 1st Amendment of the U.S. Constitution and Heck vs. Humphrey, 512 U.S. 477, 486, (1994) cannot be reasonably applied to Bar this Action.

OBJECTION #2

It was held in *Tucker vs. Brantner*, 142 F.3d 1294, 1297, (D.C. Cir. 1998) (filing fee provision did not deny effective access to the courts and is therefore constitutional.) NONETHELESS under no circumstances can a prisoner without means to pay the initial filing fee be prevented from filing suit. See 28 U.S.C. §1915 (B) (2000) 34 GEO. L. J. ANN. REV. CRIM. PROC. #974 (2005).

This Plaintiff has had only one monetary deposit made into his p.m. o.d. Account in well over a year of LESS THAN \$10.00 and cannot pay even a partial filing fee to commence this suit and is totally without means to pay the fee and due to his unlawful imprisonment and 60 YEARS SENTENCE this indigent Plaintiff would be effectively foreclosed from accessing the Court and

and committing any sort against color of law crimes against him, designed to place him in constant threat of harm due to causing plaintiff severe emotional distress and becoming hostile to prison officials that plaintiff exercises a great deal of self-control to prevent dangerous incidents between himself and prison officials, and thus in light of Estate of Smith vs. Marasco, supra, 10. Constitutional Law 305 (2) holding "OVER OPS" violate the right of access to the courts and 28 U.S.C. § 1915 (3) (2000) plaintiff should be allowed to proceed as a "pauper" and said recommendation rejected, modified or overruled.

OBJECTION # 3

The ("P.L.R.A.")'s language in its main objective is to circumvent Repetitious Meritless Prisoner Complaints challenging "PRISON CONDITIONS..." See 34 GEO. L. J. ANN. REV. CRIM. PROC. AT 971 (2005) BARRIERS TO BRINGING §1983 Actions imposed by the P.L.R.A.:

- (1) This is NOT a 42 U.S.C. §1983 Complaint challenging PRISON CONDITIONS, and, (2) is a "BIVENS ACTION" against governmental OPPRESSION under color of law that [placed] and subjected plaintiff to UNLAWFUL CUSTODY and provisions of the ("P.L.R.A."), and, (3) even if plaintiff could demonstrate "imminent danger of serious physical injury", the Court is likely to confine plaintiff to seeking injunctive relief to terminate the danger. and THIS instant Complaint still dismissed despite Merit, and a Manifest injustice would occur. (Emph. Added)

Thus, See *Ex Parte Dozier*, 827 So. 2d. 724 (Ala. 2002) 2. Constitutional Law § 248 (2) To impose Any financial Consideration Between An indigent prisoner and The Exercise of His Rights to Sue for His liberty is To deny That prisoner Equal protection of The laws.

3. Criminal Law § 1077.1 (1)

Habeas Corpus § 883.1; To prevent effectively foreclosed Access to the Courts indigent prisoners Must Be allowed to file appeals and Habeas petitions without payment of docket fees. *Dozier*, *Supra*.

OBJECTION # 4

The Cases Relied upon by the Magistrate Judge to Make Recommendation to dismiss pursuant to 28 U.S.C. § 1915 (g) were NEVER appealed to the 11th Circuit for Review of Proper dismissals of these Actions for abuse of discretion Countable to 28 U.S.C. § 1915 (g) and therefore, should not be used to preclude this Action as a "Paper". Moreover, Plaintiff Would Move the Court to Consider Public Safety Concerns with regard to allowing a convicted and registered Rapist of Minor children (SUSPECTED) of Solicitation to Commit Capitol Murder by Contract to Remain at liberty and "COVER UPS" to be Blindly ignored for Reasons of Protecting State and Federal Treasuries for Monetary Compensations and punitive damages. *Helly vs. Curtis*, 21 F.3d. 1344 (11th Cir. 1994) (Punitive damages Proper... .. Because Constitutional Rights Violated.)

OBJECTION #5

Lastly, Plaintiff objects to said Recommendation, to dismiss without recommending an Evidentiary Hearing in light of ACTUAL facts surrounding Plaintiff's State Court Warrant of Arrest, Trial and Conviction, 60 years imprisonment without Habitualization and the Appellate Courts Affirmance on direct appeal by UNPUBLISHED memorandum (Squirefield vs. State, 854 So. 2d 1218 (Ala. Crim. App. 2002) (Table)), and UNPUBLISHED memorandum on timely filed PostConviction (Squirefield vs. State, CR-04-1513 JAN. 27 2006 CERT. DEN., CERT. U.S. S. Ct. DENIED); and Plaintiff's factual allegations heading Color of State Law / Federal Authority [governmental Criminal Oppression] the Subject Matter of this Complaint also alleging that some of the said Jurors, DID, Come forward and Corroborate Habeas Corpus Action CV-02-H-3004-E (128 USC §2254) and DIRECT ORDERS by Mrs. Guendolynn C. Mosely, Warden, to Plaintiff NOT to Contact his Jurors again, (See Exhibit Attached to Habeas Corpus §2254 Styled CV-04-B-0756-S) [disciplinary Report].... Plaintiff is Effectively Prevented from obtaining AFFIDAVITS from Any Jurors that did not appear in State Evidentiary Hearing on June 28 2004 at 9:00 am in Trial Court.... Thus see HAINES vs. HERNER, 404 U.S. 519 30 L. Ed. 2d. 652 (1972) in a (Per Curiam) opinion expressing the UNANIMOUS VIEWS of the Court, it was held that since it did not appear beyond doubt that the inmate could Prove a set of facts in support of his claim which would entitle him to relief, he was entitled to an OPPORTUNITY

to call proof. Moreover, 28 U.S.C. § 1915 (f) and (g) applies to LAWFULLY CONVICTED PERSONS.

Therefore, in light of all the plaintiff's foregoing objections considered as a whole, plaintiff concludes that a REASONABLE Just Course of Action in this Complaint in Accord with OBJECTIVE² order of the Business of the Court to Seek Justice and prevent Governmental Judicial Oppression and Public Corruption, a Hearing should be granted and allow Plaintiff to Reassemble all 12 JURORS in Accord with HAINES vs. HERNER Supra, and Reelect, Modify, Overrule or VPM Said Recommendation and to CONDUCT a Hearing.

Respectfully Submitted, Done on this
the 14th day of DECEMBER 2006.

David E. Singuefield
David E. Singuefield Pro Se

²
NOTICE: Exhibit "A" Ego-Justice Terminator

...DENIAL of CERTIORARI REVIEW in the UNITED STATES SUPREME COURT SIGNIFIES ONLY that the Court has chosen not to accept the case for REVIEW nor EXPRESSES the Courts VIEWS of the Merits. EXHIBIT "B" "C"

Certificate of Service

I, David Eugene Singuefield, Plaintiff, Pursuant to 28 U.S.C. §1746, under penalty for perjury that on this the 14th day of December 2006 placed a copy of the foregoing written objections in the Easterling Correctional Facility's Inmate Legal Mail Box, properly addressed as follows, to wit:

Debra P. Hackett, Clerk
United State district Court
United States Courthouse
P.O. Box 711
Montgomery Ala. 36101

David E. Singuefield
David E. Singuefield Pro Se
A/c 218635 3A/1
Easterling Corr. Inst.
200 Wallace Dr.
Eliz, Alabama 36017

Officer Gravins
Refused to Notarize

~~Swear to and Subscribed before me~~
~~Notary Public in~~

~~This the~~ day of ~~_____~~ 2006.

~~My Commission Expires on~~ _____.

Legal Exhibit

Ego-"Justice" Terminator

Objective Law Must be Upheld

This Legal Exhibit demands that objective law be upheld by all officers of the court. Attach this Exhibit to all motions, legal documents, correspondence used in any local, state, or federal jurisdiction.

This Legal Exhibit Demands the Termination of

1. Subjective, Political-Agenda Laws
2. Ego "Justice"

Upon receipt of this Legal Exhibit, under penalty of job termination, judges as well as prosecutors and lawyers must reject *all* forms of subjective, political-agenda law and ego "justice". Those officers of the court must henceforth practice only objective law.

Subjective Laws include political-agenda laws conjured up by politicians and bureaucrats to gain self-serving benefits, false egos, and unearned power. Enforcement of political-agenda laws requires the use of force and armed bureaucrats against innocent people.

Objective Laws are not conjured up by politicians or bureaucrats. Instead, like the laws of physics, they arise from the *immutable laws of nature*. Such laws are valid, benefit everyone, and advance society. Objective laws are based on the moral prohibition of initiatory force, threats of force, and fraud.

Ego "Justice" is the use of subjective, political-agenda laws to gain harmful livelihoods and feel false importance. Ego "justice" is the survival tool of many harmful politicians, lawyers, and judges.

Benefit-of-the-Doubt Clause

Except for the most egregious offenders, this Legal Exhibit presents an opportunity for officers of the court to amend their past errors of supporting subjective law and using ego "justice".

Each officer must henceforth uphold objective law and reject ego "justice" along with its gun-backed, political-agenda laws and enforcements.

Purpose of this Legal Exhibit

1. To inform officers of the court that practicing ego "justice" and using threats, force, fines, guns, and jails to enforce political-agenda laws are serious, objective crimes that must eventually be prosecuted.

2. To inform officers of the court that they are henceforth fully responsible for upholding objective law and rejecting ego "justice".

ORDER

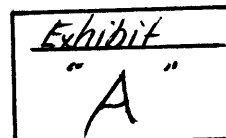
Render criminal penalties *only* against those violating objective laws in committing objective crimes. Objective crimes occur only upon the initiation of force or fraud against individuals and their property. Such crimes include murder, rape, assault, robbery, fraud. Those crimes also include *all* ego-"justice" frauds. Such criminal frauds encompass gun-backed threats, gun-backed assaults, gun-backed pillagings, and gun-backed false imprisonments executed by armed bureaucracies enforcing political-agenda laws. Also, the illegal, political weapons of RICO and seizure laws are increasingly used against innocent people. ...All such political-agenda and ego-"justice" crimes are terminated by enforcing *objective* law.

After receipt of this Legal Exhibit, any officer of the court who commits such crimes of ego "justice" and judicial fraud will eventually be identified, prosecuted, and have his or her harmful career terminated. And, through objective justice, court officers guilty of those serious crimes must pay restitution to their victims.

— This legal exhibit is not copyrighted —

Anyone may photocopy this Legal Exhibit for repeated use on attaching to all legal documents. This Legal Exhibit is also available in French, German, Spanish, Italian, and other languages for use in jurisdictions worldwide.

Address correspondence to: The Zon Association, P.O. Box 60752, Boulder City, Nevada 89006



October 2005

**OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543**

**GUIDE FOR PROSPECTIVE INDIGENT PETITIONERS FOR WRITS OF
CERTIORARI**

I. Introduction

These instructions and forms are designed to assist petitioners who are proceeding *in forma pauperis* and without the assistance of counsel. A copy of the Rules of the Supreme Court, which establish the procedures that must be followed, is also enclosed. Be sure to read the following Rules carefully:

Rules 10-14 (Petitioning for certiorari)
Rule 29 (Filing and service on opposing party or counsel)
Rule 30 (Computation and extension of time)
Rules 33.2 and 34 (Preparing pleadings on 8½ x 11 inch paper)
Rule 39 (Proceedings *in forma pauperis*)

II. Nature of Supreme Court Review

It is important to note that review in this Court by means of a writ of certiorari is not a matter of right, but of judicial discretion. The primary concern of the Supreme Court is not to correct errors in lower court decisions, but to decide cases presenting issues of importance beyond the particular facts and parties involved. The Court grants and hears argument in only about 1% of the cases that are filed each Term. The vast majority of petitions are simply denied by the Court without comment or explanation. The denial of a petition for a writ of certiorari signifies only that the Court has chosen not to accept the case for review and does not express the Court's view of the merits of the case.

Every petitioner for a writ of certiorari is advised to read carefully the *Considerations Governing Review on Certiorari* set forth in Rule 10. Important considerations for accepting a case for review include the existence of a conflict between the decision of which review is sought and a decision of another appellate court on the same issue. An important function of the Supreme Court is to resolve disagreements among lower courts about specific legal questions. Another consideration is the importance to the public of the issue.

III. The Time for Filing

You must file your petition for a writ of certiorari within 90 days from the date of the entry of the final judgment in the United States court of appeals or highest state appellate court or 90 days from the denial of a timely filed petition for rehearing. The issuance of a mandate or remittitur after judgment has been entered has no bearing on the computation of time and does not extend the time for filing. See Rules 13.1 and

EXHIBIT
"B"

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

William K. Suter
Clerk of the Court
(202) 479-3011

December 4, 2006

Mr. David Eugene Sinuefield
Prisoner ID 218635
Easterling Correctional Facility
8A/65
200 Wallace Drive
Clio, AL 36017

THIS IS IMPOSSIBLE!!!

Re: David Eugene Sinuefield
v. Alabama
No. 06-6827

Dear Mr. Sinuefield:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter

William K. Suter, Clerk

*Received by Plaintiff
December 11 2006.*

